

Message Text

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TO C/AMEMBASSY CANBERRA 4521

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AMCONSUL BRISBANE

AMCONSUL PERTH

C O N F I D E N T I A L SYDNEY 2158

E.O. 11652: GDS

TAGS: PINT, AS

SUBJ: NEW SOUTH WALES GOVERNOR COMMENTS ON ELECTION PROSPECT

1. LAST NIGHT IN A PRIVATE CONVERSATION, NEW SOUTH WALES GOVERNOR, SIR RODEN CUTLER, COMMENTED TO ME FRANKLY ON THE PROSPECTS FOR A FEDERAL ELECTION AND ON THE NEW SOUTH WALES ROLE. IN BRIEF CUTLER BELIEVES THAT:

(A) THE OPPOSITION WILL DEFEAT THE GOVERNMENT'S BUDGET AND SUPPLY BILLS IN THE SENATE (ALTHOUGH CUTLER HIMSELF DISAPPROVES OF THIS PROCEDURE ON GROUNDS OF CONVENTION).

(B) WHITLAM WILL ASK GOVERNOR GENERAL KERR TO CALL FOR A HALF-SENATE ELECTION WHICH KERR WILL DO.

(C) THE FOUR NON-LABOR STATES PROBABLY REPEAT PROBABLY WILL REFUSE TO PARTICIPATE IN THE HALF-SENATE ELECTION.

(D) WHITLAM WILL REQUEST THE GOVERNOR GENERAL TO PROCEED WITH THE ELECTION IN TASMANIA, SOUTH AUSTRALIA, THE ACT AND NORTHERN TERRITORY WHICH THE GOVERNOR GENERAL PROBABLY WILL AGREE TO DO.

(E) THE RESULT OF THIS ELECTION WILL PROBABLY LEAVE THE GOVERNMENT ONE VOTE SHORT OF CONTROL IN THE SENATE.

(F) WHITLAM WOULD THEN HAVE A CHOICE. HE COULD CALL
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FOR A NEW ELECTION OF THE HOUSE OR A DOUBLE DISSOLUTION.

THE RESULT OF EITHER OF THESE COURSES WOULD BE THE DEFEAT OF THE LABOR GOVERNMENT IN THE ENSUING ELECTION.

(G) THERE MIGHT BE ONE INTERMEDIATE STEP IN WHICH WHITLAM COULD SUGGEST THAT THE GOVERNOR GENERAL INVITE FRASER TO FORM A GOVERNMENT WHICH FRASER WOULD SURELY DECLINE TO DO PRIOR TO AN ELECTION.

2. ALTHOUGH THE EMBASSY IS MUCH CLOSER TO THE SOURCE OF DECISIONS, I BELIEVE CUTLER'S COMMENTS ARE OF INTEREST BECAUSE OF THE SPECIAL PECULIAR ROLE THAT THE FOUR NON-LABOR STATES MAY PLAY IN THE FORTHCOMING COMBINED HIGH DRAMA AND LOW COMEDY. THERE IS IN THE LABOR PARTY A FAIRLY WIDELY SPREAD IDEA THAT THE GOVERNOR GENERAL HAS THE MEANS TO CAUSE THE STATE GOVERNORS TO HOLD ELECTIONS AT A TIME DESIGNATED BY THE PRIME MINISTER. CUTLER, WHO IS FULLY AWARE OF THIS THEORY AND OBVIOUSLY HAS DISCUSSED IT WITH PREMIER LEWIS, DISPUTES IT CATEGORICALLY. THE NEW SOUTH WALES SECRETARY GENERAL OF THE LABOR PARTY, GEOFFREY CAHILL, ADVANCED TO ME YESTERDAY THE NOVEL IDEA THAT ON THE REQUEST OF THE PRIME MINISTER THE GOVERNOR GENERAL COULD REQUEST THE QUEEN TO INSTRUCT HER GOVERNORS IN THE RECALCITRANT STATES. THE QUEEN WOULD ACT AFTER CONSULTING HER OWN ADVISERS IN LONDON. APART FROM THE OBVIOUS IRONY OF THE NATIONALISTIC ANTI-ROYALIST LABOR PRIME MINISTER REQUESTING THE QUEEN'S ASSISTANCE IN DISCIPLINING AUSTRALIAN STATES (WHICH CAHILL FAILED TO APPRECIATE) GOVERNOR CUTLER SAID THE GOVERNOR GENERAL WOULD NEVER DO SUCH A THING NOR WOULD THE QUEEN. MOREOVER, THE CONSTITUTION IS QUITE CLEAR THAT THE TIMING OF A SENATE ELECTION IS LEFT UP TO THE STATES. FINALLY, SAID CUTLER, HE FULLY EXPECTED UNDER THOSE CIRCUMSTANCES THAT PREMIER LEWIS WOULD PROBABLY RECOMMEND AGAINST HOLDING AN ELECTION AT THIS TIME AND HE, CUTLER, AS GOVERNOR, WOULD ACCEPT THE RECOMMENDATION OF THE PREMIER. THIS ATTITUDE MAY OR MAY NOT TYPIFY THE ATTITUDE OF THE GOVERNORS OF THE OTHER THREE NON-LABOR STATES.

3. CUTLER OBVIOUSLY BELIEVES THAT "IT IS TIME" FOR THE WHITLAM GOVERNMENT TO GO. NEVERTHELESS, HE
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ALSO HAS A STRONG OPINION IN FAVOR OF THE PRESERVATION OF CONSTITUTIONAL AND POLITICAL CONVENTION. TO ILLUSTRATE HE SAID THAT WHEN PREMIER LEWIS LAST JANUARY PROPOSED TO NAME A NON-LABOR REPLACEMENT TO THE SENATE SEAT VACATED BY LIONEL MURPHY, CUTLER COUNSELLED THE PREMIER AGAINST THIS DEPARTURE FROM CONVENTION BUT WHEN HE REALIZED THAT LEWIS WAS DETERMINED, HE, CUTLER, ACQUIESCED AND APPROVED THE APPOINTMENT THEREBY

OBSERVING THE CONVENTION THAT THE GOVERNOR ACCEPTS THE
ADVICE OF THE POLITICAL HEAD OF GOVERNMENT. BECAUSE
HE BELIEVES GOVERNOR GENERAL KERR SHARES THIS RESPECT
FOR CONVENTION AND THE CONSTITUTION, HE BELIEVES
THAT THE GOVERNOR GENERAL WOULD REFUSE A REQUEST BY
WHITLAM TO SIGN AND AUTHORIZE THE BUDGET AND SUPPLY
BILLS WITHOUT THE CONCURRENCE OF THE SENATE. IN THE
END, IF AFTER FAILING TO GAIN CONTROL OF THE SENATE,
THE PRIME MINISTER IS FORCED TO CALL A GENERAL ELECTION
HE WOULD PROBABLY REQUEST PARLIAMENTARY APPROVAL OF
THREE MONTHS OF SUPPLY IN ORDER TO ENABLE THE GOVERNMENT
TO CONTINUE TO PAY ITS BILLS PENDING THE ELECTION.
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